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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,606	02/25/2005	Edgar Bolinrh	079794.0126	7978
31625 7590 05/29/2009 BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039				
EXAMINER				
HO, HUY C				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
05/29/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/525,606

**Applicant(s)**

BOLINTH ET AL.

**Examiner**

HUY C. HO

**Art Unit**

2617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 10-29.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Patrick N. Edouard/  
Supervisory Patent Examiner, Art Unit 2626

/Huy C Ho/  
Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because: The argued features, i.e., a method for transmitting data in a multi-carrier system, a frequency band, carrier frequencies are subdivided into a sub-carrier band, the method comprising monitoring a transmission characteristic, performing an adaptive pre-emphasis for a send signal by a filter depending on the transmission characteristic for a part of the carrier frequencies in the sub-carrier band thereby reducing crosstalk effects between carriers or inter channel interference ICI caused by two subscribers, wherein the adaptively pre-emphasized carrier frequencies are located at an edge of the sub-carrier band, read upon Gudmundson, Ramesh and Heinonen as follows.

Gudmundson teaches a method and system for data transmission in an OFDM system where data as signals are transmitted over a plurality of subcarriers, a transmitted OFDM signal  $x(t)$  being treated with a pulseshaping function  $w(t)$  before the signal is transmitted on one of the subcarriers of the OFDM frequency band therefore lessening the effects of intersymbol interference ISI (see Gudmundson, the abstract, col 3 lines 65-67, col 4 lines 1-35, 60-67, col 5 lines 1-60), therefore Gudmundson discloses a method for transmitting data in a multi-carrier system, a frequency band, carrier frequencies are subdivided into a sub-carrier band, the method comprising monitoring a transmission characteristic, performing an adaptive pre-emphasis for a send signal by a filter a part of the carrier frequencies in the sub-carrier band thereby reducing crosstalk effects between carriers or inter channel interference ICI caused by two subscribers. Ramesh teaches a method and system for calculating a carrier to interference ratio for a channel by monitoring, evaluating variations in channel characteristics and therefore improving estimation of the carrier to interference ratio for channels subjected to multi-path fading effects caused by Doppler effects of moving terminals (see Ramesh, the abstract, col 1 lines 30-40, col 2 lines 15-25, col 3 lines 1-5, 20-55), therefore Ramesh discloses knowledge and monitoring a transmission characteristic for improving carrier-interference ratio for better channel selections for use by mobile terminals (see Ramesh, col 2 lines 1-25). Heinonen teaches a method and system in OFDM system with plurality of subcarriers within a channel bandwidth, and teaches adjustment and correction for frequencies at the lower edge and the upper edge of a frequency band (see Heinonen, the abstract, col 6 lines 5-5-25), therefore, Heinonen discloses adjusting the pre-emphasized frequencies located at an edge of a sub-carrier band, thus to improve the optimal bandwidth efficiency usage and to avoid inter-carrier interference ICI caused by adjacent users (see Heinonen, col 1 lines 35-67, col 2 lines 1-33). As such, Gudmundson, Ramesh and Heinonen teaches and discloses a method for transmitting data in a multi-carrier system, a frequency band, carrier frequencies are subdivided into a sub-carrier band, the method comprising monitoring a transmission characteristic, performing an adaptive pre-emphasis for a send signal by a filter depending on the transmission characteristic for a part of the carrier frequencies in the sub-carrier band thereby reducing crosstalk effects between carriers or inter channel interference ICI caused by two subscribers, wherein the adaptively pre-emphasized carrier frequencies are located at an edge of the sub-carrier band.

As a result, the argued features were written such that they read upon the cited references.